

**Amendments to the Drawings:**

Please replace sheet 2 of the drawings with the attached replacement sheet 2. The replacement sheet incorporate the desired changes in the drawings, and includes all of the figures that appeared on the immediately prior version of that sheet.

**Attachment:** 1 Replacement Sheet(s)

## **REMARKS**

Claims 1-10 are pending in the application. In the Office action dated June 11, 2008, claims 1-10 were rejected. Responsive to the Office action, Applicant has amended claims 1, 4, and 10.

In view of the amendments above, and the remarks below, Applicant respectfully requests reconsideration under 37 C.F.R. § 1.111.

### ***Objections to the Drawings***

The drawings are objected to as failing to comply with 37 C.F.R. § 1.84(p)(4) because reference characters "2" and "5" have both been used to designate molding substances.

The drawings are objected to as failing to comply with 37 C.F.R. § 1.84(p)(4) because reference character "5" have both been used to designate both molding substance and core.

In response to the Objections, Applicants have submitted a Replacement Sheet 2, which includes Fig. 2. In the corrected figure, the molding substance is now identified by reference character "2", rather than reference character "5".

In view of the amendments to Fig. 2, Applicant respectfully suggests that the drawings are in compliance with 37 C.F.R. § 1.84(p)(4), and requests the withdrawal of the objection to the Drawings.

### ***Amendments to the Specification***

In order to correct typographical errors, and to bring the specification into conformance with the amended drawings, Applicant has amended the specification to correct references to a moulding substance 5 to properly recite moulding substance 2.

Applicant takes this opportunity to amend the Abstract of the Disclosure to correct errors in some reference characters, and to replace the phrase "jointing substance" with the phrase "moulding substance", in order to render the specification and claims fully consistent.

***Amendments to the Claims***

Applicant takes this opportunity to amend the claims to correct errors in some reference characters, and to replace the phrase "jointing substance" with the phrase "moulding substance", in order to render the specification and claims fully consistent.

Support for the amendment may be found generally in the specification as filed, and more specifically at page 3, lines 1-12.

***Rejections under 35 USC § 102***

Claims 1-3 are rejected under 35 USC § 102(b) as being anticipated by Applicant's Admitted Prior Art (see Specification at Page 1 line 7-31; see also Page 2 line 1-10).

The Examiner asserts that the Applicant's own disclosure anticipates the subject matter of claims 1-3. Applicant respectfully disagrees.

Claim 1 recites a process for the manufacture of a mattress, where the mattress includes "a bottom piece, longitudinal pieces, cross pieces, a top piece, and a core".

In referring to the Applicant's disclosure, the Examiner is referring to Applicant's characterization of Danish patent 146082, which corresponds to European patent EP 0 013 967.

The reference DK 146082, however, describes only the fastening of spring elements to the inner support surface of a block of foamed plastic using liquid polyurethane. As stated in the specification at page 1, lines 23-31:

The result obtained is an unfinished mattress, lacking cross pieces in the short ends of the unfinished mattress. The cross pieces are manually thread into the openings between the bottom, top and longitudinal pieces and then glued to these edges with an adhesive. This task must be done very accurately, as the seams are especially subjected to strain during transport and use of the mattress. The manual process is consequently time consuming and expensive compared to an automated production line. (emphasis added).

The production method described in the Specification on page 1, lines 12-22 refers to using liquid polyurethane on the longitudinal edges only of the surface of a base block for fastening longitudinal pieces to the base surface together with the spring core, after which a top piece is mounted in the same manner. However, the result is not a "mattress comprising a bottom piece, longitudinal pieces, cross pieces, a top piece, and a core, characterised in that a moulding substance (2) of the same material as the named pieces is used to join the pieces", as recited in claim 1.

Instead, the cross pieces must be manually inserted and glued into position using an adhesive having a different composition than the foam blocks of the mattress, a glue that will delaminate during use (see the specification at page 2, lines 1-10).

In order to anticipate a claim under 35 U.S.C. § 102, the prior art must disclose each and every element of the claim. As Applicant's characterization of the prior art fails to describe a process involving joining all pieces by a liquid substance of the same

material as the pieces, Applicants characterization of the prior art fails to anticipate the subject matter of claim 1. As claims 2 and 3 depend from claim 1, Applicant respectfully suggests they are similarly not anticipated by Applicant's characterization of the prior art.

In view of the above remarks, Applicant respectfully requests the withdrawal of the rejection of claims 1-3 under 35 U.S.C. § 102.

***Rejections under 35 USC § 103***

Claims 4-10 are rejected under 35 USC § 103(a) as being unpatentable over Applicant's Admitted Prior Art (see Specification at Page 1 line 7-31; see also Page 2 line 1-10) as applied to claims 1-3 above, and further in view of Bryant et al. (US 2003/0019043 A1), hereafter Bryant.

Bryant discloses a method of making a mattress by first joining longitudinal rails to cross rails on a table forming a frame (see para. 0031-0035) by using an adhesive such as double-sided adhesive tape, by stitching, or via hook and loop fasteners (see para. 0037). Thereafter an adhesive, such as double-sided adhesive tape, is supplied to the top surfaces of the frame and a planar layer is attached to the topside of the frame to form a housing (10). The frame and layer are then turned and a netting layer (44) is positioned within the housing for protecting the planar layer from an innerspring unit (35) that is then placed in the housing.

Bryant fails to disclose the use of a moulding substance of the same material as the foam pieces of the mattress. Bryant mentions only the use of a suitable adhesive, and suggests the use of double sided tape, stitching, or hook and loop fasteners. An artisan of ordinary skill would not be led by the Bryant disclosure to employ a liquid

substance of the same material as the foam material, such as liquid polyurethane, to assemble the joints of the foot or head rails. Furthermore, Bryant fails to provide any suggestion that joints prepared using the same amterial as the mattress components would produce strong and durable joints, as disclosed in the present specification. Although the Applicant has recited the disadvantage of using a material that differs from the foam makeup of the mattress components, Bryant urges that precisely such dissimilar materials be used. Applicant suggests that there can be no motivation to modify the disclosure of Bryant so as to arrive at the claimed invention, when the principle of operation of the reference is so diametrically opposed to that of the claimed invention.

In addition, the assembly method of Bryant is completely different from the process described by Applicant in characterizing the prior art. The left and right longitudinal rails of Bryant are placed edgewise in parallel alone on a table, and thereafter the foot and head rails are placed in a similar manner and adhered to each of the ends of the left and right rails in order to obtain a stand-alone frame. The careful assembly of the frame is essential in order to ensure that the frame can withstand the subsequent pressure of mounting the top piece onto the frame, and so the frame assembly requires precision. The rails must be prevented from falling over before being adhered to each other. The process recited by present claim 4 does not require the joining of the mentioned pieces/rails to each other, they need only be molded onto the bottom and top pieces. The application of liquid moulding material, as recited in the present process, to the vertical edges of the freely standing rails in Bryant would prove complicated: The moulding material would need to be applied onto two pairs of vertical

edges, the pairs being of opposing orientation, which application would take time and cause the liquid to trickle before the corresponding rails could be applied thereto.

This quick successive application of liquid moulding material to each vertical edge, one after the other, is not described or suggested by Bryant, and would in fact distort the shape of the frame as one rail is pressed against another, one after the other. Applicant therefore respectfully suggests that the method of Bryant is not adapted to the use of liquid moulding substance, and that there can be no incentive to modify the method of Bryant to use liquid moulding substance. The Bryant reference additionally fails to provide any suggestion or motivation to fasten the head and foot rails only to the top and bottom pieces, as the method of Bryant requires that all rails being connected together.

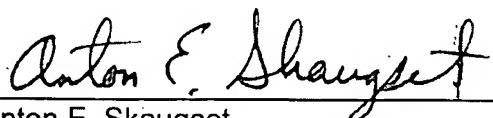
As discussed above, and mentioned in the specification at page 1, lines 23-31, the previous method of mattress manufacture included fastening the cross pieces manually with the help of glue to both the longitudinal, top and bottom pieces. Both this disclosed method and the method of Bryant include fastening of the cross pieces to both the longitudinal, top and bottom pieces, making the resulting construction fully closed. This was necessary due to the inferior quality of the earlier adhesives and glues, which necessitated fastening of all four edges of each piece to all adjacent pieces in order to hold the mattress construction together, as well as the idea that the mattress had to be a closed construction. However, by using the much stronger adherence of a liquid moulding substance of the same material as the foam pieces of the mattress to secure the joints between the top and bottom pieces to the side pieces, it became unnecessary to fasten the cross pieces to the longitudinal pieces.

In view of the above remarks, Applicant suggests that the Examiner has failed to establish the *prima facie* obviousness of claims 4-10. Applicant therefore respectfully requests the withdrawal of the rejection of claims 4-10 under 35 U.S.C. § 103.

Applicant believes that in view of the above amendments and remarks, the application is now in condition for allowance. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned agent of record.

Respectfully submitted,

KOLISCH HARTWELL, P.C.



Anton E. Skaugset  
Registration No. 38,617  
Customer No. 23581  
Agent for Applicants/Assignee  
520 S.W. Yamhill Street, Suite 200  
Portland, Oregon 97204  
Telephone: (503) 224-6655  
Facsimile: (503) 295-6679



Allison M. Deverman Vietor